

MINUTES
BROOKHAVEN BOROUGH COUNCIL
WORKSHOP
MONDAY MARCH 28, 2011
7:00 PM

Council President, John J. Wilwert, Jr., called the regularly scheduled Workshop Session of Brookhaven Borough Council to order at 7:00 PM. The meeting was held at the Brookhaven Municipal Center.

The record shows the following people seated at the Council Table: Mr. Linowski, Ms. Leslie, Ms. Sawicki, Mrs. McKinley, Mr. Wilwert, Ms. MacKenzie from Beatty Lincke, Mayor Hess, Mrs. Erickson, Mr. McCray and Mrs. Mulvena from Walton, Mulvena & Associates. Mr. Donaway was absent because of an emergency situation at his job.

PRESENTATION TO COUNCIL

Karen Holm from Delaware County Planning introduced herself, Elizabeth (Beth) A. Bolt, P.E. from Weston Solutions and Christine Volkay-Hilditch, P.E., DEE from DELCORA who were present this evening. She said Ms. Bolt was representing the County of Delaware and DELCORA. She thanked Council for the opportunity to come to this meeting and said Ms. Bolt would review comments that Mrs. Mulvena has provided, referring to Mrs. Mulvena's March 24, 2011 letter to Council a copy of which will be attached to the Minutes to help understand Ms. Bolt and others responses and comments. The first two paragraphs were introduction. Referring to the 3rd paragraph on page 1 of the letter, Ms. Bolt said that this was a good observation and they will add the discussion of user fees to the Act 537 Plan. She said the cost to close the plant is estimated to be \$400,000-\$500,000 for the cleaning of digesters end. They do not intend to borrow any money to decommission—there is really no concrete plan to de-commission the Southwest Delaware County Municipal Authority Plant (SWDCMA). If it is done, George Crum from SWDCMA said it would occur slowly over time. There was a discussion of the rates and how much the user fees would be for the upgrade. Ms. Bolt said this would be \$350-\$450 per year. Under the new agreement, Middletown Township would experience rates that may triple. They have had a “sweet deal” for a long time. It is expected that Middletown will approve the Act 537 Plan tonight. They are one of the 9 municipalities in the Act 537 Plan. The cost will be assessed equally. SWDCMA said the fees for subsidizers would not increase when Middletown goes away—they will be going away 5 years earlier than if they had stayed with SWDCMA. Ms. Bolt said they will add a statement of the rate stability of the plan. She spoke about a memo from the EPA Headquarters dated March 15, 2011 which promulgates state-wide criteria. They don't think they should ignore that. She spoke about phosphorus and nitrates levels at the various wastewater treatment plants. Mrs. Mulvena said she thinks the cost estimates are high because they are conceptual. Ms. Bolt said this may be true but if they are high, they are high across the board. Mrs. Mulvena expressed concern over the Chester Creek and the load. Ms. Bolt said this was a valid comment so on Page 6.6 of the Plan they will add a clarifying statement. The costs to upgrade the Baldwin Run Plant of SWDCMA were discussed. Mrs. Mulvena thinks that SWDCMA can't upgrade the Baldwin Run Plant without an increase to current subscribers. We have to get a “true average rate” from Mr. Crum. Mr. Linowski said if we incorporate Brookhaven, Middletown Township and Aston, we are talking about 16,000 people paying an equal share. Ms. Volkay-Hilditch explained that DELCORA will have a larger group of users. Bring them down to the Western Regional Treatment Plant. SWDCMA is looking for a substantial upgrade to their plant because strict EPA limits for ammonia, phosphorous and nitrogen are “coming down the road”. DELCORA has a bigger “dilution area” They are looking forward to Brookhaven joining them in the 537 Plan. Mrs. Mulvena said Brookhaven is trying to get to the bottom of what Brookhaven residents will be paying and there probably is additional information needed from Mr. Crum.

Ms. Bolt said the figures are those that were already quoted. Mrs. Mulvena said we're looking to see how it affects the Brookhaven people. We definitely need additional clarification. She feels that SWDCMA can't upgrade that plant without raising fees. Ms. Bolt said Mr. Crum is quoting "average values". Mr. Linowski said it's not the intent of SWDCMA to upgrade the plant. Ms. Bolt spoke about Alternate 1 and Alternate 2 in the Act 537 Plan. Mr. Linowski said his home is part of the SWDCMA system and he has seen his rates go up continually. Back in the 1960's when Brookhaven's WWTP couldn't handle the new developments; they had to go into SWDCMA. How much longer can people take these increases? His rates are already high and his sister, who lives in Aston, is on the SWDCMA system and her rates are well over \$1,000 per year. Mrs. Mulvena said she thinks SWDCMA does not have the information Weston needed to include in the Plan. Ms. Bolt said DELCORA is more efficient than the Baldwin Run Plant. Speaking about a SWDCMA upgrade, Mrs. Mulvena thinks that there are some parts of SWDCMA that can be re-used and/or repurposed. Ms. Bolt disagreed. She said that a very experienced engineer work on the proposed plan. The time is 7:30 PM and Mr. Wilwert said we had a bid opening advertised. He told Ms. Bolt, Ms. Volkay-Hilditch and Ms. Holm that they could continue their presentation immediately following the bid opening. The Workshop Session of Council was called back to order at approximately 8:00 PM. Ms. Bolt continued her presentation. Speaking about Alternate 2, on the top of Page 3 of Mrs. Mulvena's memo, Mrs. Mulvena thought the figures given were too low per LF. Also have to keep in mind HDPE pipe replacement at other depths than 8" because of conflicts with other underground utilities. Ms. Bolt said they have done many projects and they feel their figure is accurate. She spoke about DELCORA's 54" forced main along Route 291. She said Weston's cost estimate for that project was pretty much "dead on". They stand by their cost. The subject of DELCORA's ability to handle treatment and disposal of wastewater from new members flows from Upper Providence, Edgmont and Newtown Townships was discussed. After a lot of abbreviations for what is involved, including 50 MGD, Ms. Bolt said yes, there will be room at the Western Regional Plant—they can handle this flow. The lines are in already. In Mrs. Mulvena's memo she discussed the projected \$54 cost to the Brookhaven residents to construct the selected alternative of closing SWDCMA and diverting the flow to DELCORA. Over what period of time this fee would be charged? Is it an annual fee? Ms. Bolt said capital costs and only over 20 years. The question of what would happen if Brookhaven made some additions to the proposed resolution? Ms. Bolt said DEP would "kick the plan back". This is necessary to get this plan started in the future and if necessary, changes will be made to the plan. Mrs. Mulvena spoke about a Consent Decree SWDCMA has with DEP. They must get rid of I&I. They are not meeting the requirements now. She said she does not understand how SWDCMA thinks they are going to do it out of operating fees. Mrs. Erickson asked about fees once we choose to go into the system. What is the household fee to tie in? Ms. Bolt said the tie in fee is \$0—no connection fee. SWDCMA will stay in operation. What DELCORA will take over is the pump station. Mr. Seth, 3633 North Clearwater Lane, asked if SWDCMA's "pumping facility" is going to DELCORA. Ms. Bolt said yes. Mr. Seth spoke about Brookhaven not having any representation on SWDCMA's Board. Ms. Sawicki asked about the SWDCMA's existing sewer lines—who is going to maintain them? Ms. Bolt said SWDCMA still owns those lines and it is their responsibility. Mr. Wilwert said he doesn't want our residents on the SWDCMA line to be "strapped". Ms. Bolt said that George Crum said once SWDCMA is out of the sweet deal with Middletown then everything will be on "a level playing field". Ms. Bolt said all comments and responses they have received concerning the 537 Plan will be bound in the Plan and submitted to DEP. Weston, DELCORA and the County of Delaware are relying on the 9 municipalities involved. Ms. Bolt thanked us for the opportunity to come before Council this evening. She said if anyone had questions or comments please get them to her. Ms. Volkay-Hilditch asked when Council would make a decision on the Resolution. Mr. Wilwert said Monday night, April 4 at their regularly scheduled Council Meeting. He said he would call for a motion to either adopt the resolution or deny the resolution. Ms. Volkay-Hilditch said if Brookhaven does not adopt the resolution we will be doing our own Act 537 Plan to take the collection system out of DELCORA and putting it elsewhere. She said either way she was submitting the plan on the 2nd of April. She said from their perspective they need to move on because, basically "little old

Brookhaven is the only holdout". Mrs. Mulvena said one of her recommendations to Council was going to be doing their own 537 Plan.

PUBLIC DISCUSSION

Harry Seth from 3633 North Clearwater Lane asked if the decertification of 2 of our police officers would affect any tickets or arrests they have made in the past. Mr. Wilwert said the District Attorney is investigating this, it is a personnel matter and we are not able to comment. Mayor Hess said no one has been proven guilty.

SOLICITOR'S REPORT – Ms. MacKenzie

Ms. MacKenzie said she had no report but asked that Council meet in Executive Session immediately following this meeting to discuss legal and personnel matters.

FINANCE COMMITTEE, FIRE COMMITTEE CHAIR, POLICE COMMITTEE CHAIR, CIVIL SERVICE LIAISON AND CLOCK/SIGN COMMITTEE LIAISON – Ms. Sawicki

Ms. Sawicki said the Bills for Approval list in the meeting packet for this evening will be updated and distributed for the Council Meeting on April 4.

She and Mr. Wilwert asked that Mr. Swayngim check the microphone system that hasn't worked properly this evening.

MAYOR'S REPORT – Mayor Hess had no report to give this evening.

COUNCIL REPORTS

Mr. McCray, Mrs. Erickson and Ms. Leslie all said they would give their reports at the Council Meeting on April 4. Mr. Donaway was absent so there was no report from him either.

CHAIR ORDINANCE COMMITTEE, CONDO ASSOCIATION, ZONING OFFICER DIRECTOR, ZONING HEARING BOARD LIAISON AND ASSISTANT SCHOOL BOARD LIAISON – Mr. Linowski

Mr. Linowski began his report by thanking Council, the residents, Harry Swayngim and everyone who participated in the fund-raiser for his sister last weekend. He also thanked the businesses for their support too. Over 300 people attended this event that was held here at the Municipal Center. Mr. Wilwert said the food was delicious and he had a good time. Mr. Linowski said that the cost per person was \$2.61 because of the many donations received. The rest of the money raised was given to his sister to help her in this time of need. Mr. Linowski spoke about Harry Swayngim saying he was at the municipal center all day and night and was always one step ahead of their needs. He also said that those attending the fund-raiser were very impressed with our facilities.

Mr. Linowski said that at the Hearing on March 8, the Zoning Hearing Board granted Mr. Wetten an oversized shed (12' x 20') but denied the shed doors greater than 5' wide.

Among other Zoning Permits issued by Mr. Hampton recently, there were 3 for fences, 1 for sheds, 1 for a deck and 1 for a patio and 3 signs. One fence permit was denied and they will come for a Zoning Hearing.

Regarding the Zoning Hearing Board Secretary matter, we're not sure whether we have one or not. She did not show up to take care of some matters she and Mr. Hampton had to take care of—didn't even call to say she wasn't coming so that matter will have to be addressed at a future meeting. The Zoning Hearing Board has to have someone they can depend on as their Secretary.

ENGINEER'S REPORT – Mrs. Mulvena

The record shows that Mrs. Mulvena provided Council with the Engineer's Report dated 24 March 2011. The subjects covered in this report include Sanitary Street Lining, Ordinary Street and Sewer Maintenance, Act 537 Plan which was covered in a separate memo attached to her Engineer's report, Municipal Center Cooling Unit Bid, Traffic Signal Standards, Pulte Resident Complaints, FY2011 CDBG Application, Wastewater Treatment Plant Upgrade, Wastewater Treatment Plant Operations, PECO Act 129 Rebate Program, NPDES MS4 Extension of Current Permit, Emergency Pre-Emption Permit Modification, ARRA Curb Cut Ramp Improvement Project, PennDOT Curb Cut Ramp Guidance, DEP Stormwater Response and Stormwater Management "Tip of the Month" which spoke about over-fertilization and pesticides.

Mrs. Mulvena said that she will be asking for a change order for Dutchland in an amount not to exceed \$10,000. This will be brought up again at the March 4 Council Meeting.

Regarding the Opticon at the intersection of Edgmont Avenue and Cambridge Road, Higgins Electric was on site today to check the situation out. They will raise the receiver and that can be done as early as tomorrow. Mrs. McKinley was asked to find out what Higgins did there today. An indicator light that would flash when the Opticon was tripped was requested. The installation of a pole across from the firehouse on the Memorial Island was also discussed so that when the trucks come out of the doors, they can trip the Opticon at that point. This should give enough time for the light to change so they can proceed safely through the intersection. It was recommended that the device be raised up above the cable lines and have it tilted down.

INSPECTORS' REPORTS

BUILDING INSPECTOR – Mr. Feindt

Mr. Feindt reported that things are very slow again this month.

FIRE MARSHAL – Mr. Leslie

Mr. Leslie was present earlier in the meeting but had to leave before giving his report.

BOARD OF HEALTH – Mrs. Warfield

Mrs. Warfield reported that Hilltop Drive and Cooper Road were "a wash out". The water comes over the burm and washes those areas out. The pipeline people are coming out to see what they can do to resolve the problem.

Mrs. Warfield asked to speak with Ms. MacKenzie after this meeting.

Mrs. Warfield said she needed advice concerning protocol on a situation that occurred on Saturday afternoon. The fire company was called out to check on the welfare of a resident. Neighbors hadn't seen him for a while. The members of the fire company and the police went into the home. They did not find the person inside but

found out that the individual had been transported to a hospital earlier in the week. Mrs. Warfield said the home is in “deplorable condition”. A condemned sign was put on the door. In the past the residents were not able to go back into the home until it was cleaned up. The nearest relative, a son, is in Tennessee. Ms. MacKenzie suggested reporting this to COSA and putting the condemned sign on both the front and back door.

Mrs. Warfield continued her report saying she is getting quite a few calls about hoarders. In order to enter the facility she must have permission from the owner. If that is not given then we must get a court order to go in. Mr. Wilwert said once in the house, call 9.1.1. so the firefighters, the police and fire marshal come while she is still there. Mr. Wilwert asked if those from the fire company who come to the scene are qualified. Mr. Grant said yes they are. Mr. Feindt asked what determines uninhabitability. Ms. MacKenzie said life safety issues. She also said that people who are in those situations need medical and/or mental health help. Ron Pisotsky said that one must be careful in these situations. He said he was giving us a “precautionary note”. He spoke about a situation back around 1983. One of our police officers was shot from behind a closed door by the occupant of the home when a representative from the Borough came to enforce a certificate of occupancy order. The Borough got sued. He said some people have mental health issues and they are going to defend their property. He said “we must be very careful when we are in their castle”. The individual who shot our police officer only got 2 years in prison for that crime. Mr. Wilwert said that if Mrs. Warfield or Mrs. Elmer ever get into a questionable situation they are to call the police.

The Borough’s Clubhouse in Memorial Park that Baseball uses as their Concession Stand will be inspected on Saturday, April 2.

The question of too many people living in a condo was discussed. There is nothing the Borough can do about that—it is a condo association problem. Mr. Feindt said that there is a requirement of 5 unrelated in “so many square feet”. Ms. MacKenzie said case law equals 8-12 unrelated people.

PLUMBING, ELECTRICAL, CODE ENFORCEMENT – Messrs. R. and J. Grant

Jon Grant started his report saying “Call 9.1.1. for anything”. There was a small fire on Edgewood Lane. The homeowner put the cats in the back room before they got their kids out of the house. That’s a little backwards.

Mr. Grant said there were gas leaks reported at Traditions at Ridley Creek. There are issues “getting in” over at that development. When these gas leaks or other things happen, don’t call the maintenance man, call 9.1.1. immediately.

Mr. Grant will be meeting with Jansen Tree Service and Rick’s Tree Surgeons to discuss getting the sirens that have been donated to us down from their current locations.

He continued his report by saying he has started tours of the borough and is sending out letters about abandoned vehicles.

Mrs. Erickson said Mrs. Warfield has three more addresses that have property maintenance issues to give to Mr. Grant .

Bob Grant, our Mechanical Inspector, is on top of problems at Traditions at Ridley Creek.

PRESIDENT’S REPORT AND EMERGENCY MANAGEMENT – Mr. Wilwert

Mr. Wilwert announced that Gary Thompson and the Maintenance Department Staff are working on filling in

potholes. Please call the Borough Office to report areas in need of attention.

All of the old picnic tables are back in the parks. Some were in need of repair and that was taken care of. All of them were cleaned up. A few new ones have also been put out too.

PUBLIC DISCUSSION

Mr. McCray said that the Recreation Board is in need of a printer for the camera used to take the pictures with the Easter Bunny on April 27 and Santa Claus later this year. The cost of the printer is about \$99.00.

There was no other business to be discussed and the meeting was adjourned.

Respectfully Submitted,

Mary Ellen McKinley
Borough Secretary